

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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DINO ANTOLINI,

Plaintiff,

Case No.:1:19-cv-09674-JF

-against-

**HAROLD THURMAN, BRAD THURMAN,
and 33 BRE INC.,**

**DECLARATION IN SUPPORT
OF DEFENDANTS' MOTION
FOR SUMMARY JUDGMENT**

Defendants.
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BARBARA POWERS declares under the penalties of perjury as follows:

1. I am a receptionist who is and was employed by Thurcon Properties Ltd. I submit my affidavit in support of the Defendants' motion for summary judgment, and for other relief.

2. With respect to service of process, on October 29, 2019, I was visited by the Plaintiff's process server who told me that he was there to serve process on the Defendants. I advised the process server, several times, that I was not authorized to accept, nor could I accept a copy of the Summons and Complaint. Nonetheless, and despite my statement of lack of authority to accept the documents, the process server placed copies of the summons and complaint on the top of my reception desk. The Affidavit of Service claims that I said that I was authorized to accept service. The opposite is true. I expressly said I was not authorized and said so several times.

3. I have never been authorized to accept service of process. I am not now, nor have I ever been, an officer, a managing or general agent of the Defendants. Nor

was I ever authorized by appointment or by law to accept service of process on behalf of the Defendants.

4. I am employed by Thurcon Properties Ltd as a receptionist. See my W-2 as **Exhibit "A"**. My duties include answering the phone and taking messages. I have no managerial duties nor am I an agent of the Defendants, including 33 Bre Inc., of whom I am not an employee.

WHEREFORE, it is respectfully requested that Defendants' motion be granted, together with such other and further relief as may be deemed just and proper.

Executed New York, New York the
16th day of November 2020


Barbara Powers